

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSEPH SIMMONS	:	
Plaintiffs,	:	CIVIL ACTION
	:	No. 22-cv-1644-JMG
v.	:	
	:	
CITY OF PHILADELPHIA, et al,	:	
Defendants.	:	JURY TRIAL DEMANDED
	:	

**DEFENDANTS', CITY OF PHILADELPHIA, COMMISSIONER BLANCH
CARNEY, WARDEN MICHELE FARRELL, CORRECTIONAL OFFICER JESSIE
WILSON, SERGEANT FITZGERALD DICK, SERGEANT ALFRED LEBESCO, AND
LIEUTENANT LOVELL CRAWFORD'S, ANSWER TO PLAINTIFFS' FIFTH
AMENDED COMPLAINT WITH AFFIRMATIVE DEFENSES**

Defendants City of Philadelphia, Commissioner Blanch Carney, Warden Michele Farrell, Correctional Officer Jessie Wilson, Sergeant Fitzgerald Dick, Sergeant Alfred Lebesco, and Lieutenant Lovell Crawford, through their undersigned counsel, hereby respond to Plaintiff's Fifth Amended Complaint and avers as follows:

INTRODUCTION:

1. Denied. The allegations in this paragraph pertain largely to a party other than Answering Defendants. To the extent a response is required, denied.
2. The allegations in this paragraph pertain to a party other than Answering Defendants. To the extent a response is required, denied.
3. The allegations in this paragraph pertain to a party other than Answering Defendants. To the extent a response is required, denied.
4. The allegations in this paragraph pertain to a party other than Answering Defendants. To the extent a response is required, denied.

5. The allegations in this paragraph pertain to a party other than Answering Defendants. To the extent a response is required, denied.

PARTIES

6. The allegations in this paragraph pertain to a party other than Answering Defendants. To the extent a response is required, denied.
7. Admitted only that the Philadelphia Department of Prisons is a Department of the City of Philadelphia under the City Home Rule Charter.
8. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
9. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
10. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
11. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
12. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.

13. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
14. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
15. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
16. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
17. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
18. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
- 21.¹ The allegations in this paragraph pertain to a party other than Answering Defendants. To the extent a response is required, denied.

¹ Plaintiff's complaint labels the corresponding paragraph as 21; for consistency, Answering Defendants mimic the same numbering as the Complaint.

19. The allegations in this paragraph pertain to a party other than Answering Defendants. To the extent a response is required, denied.
20. The allegations in this paragraph pertain to a party other than Answering Defendants. To the extent a response is required, denied.
21. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
- 21.² Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
22. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
23. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
24. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.

² Plaintiff's complaint labels the corresponding paragraph as 21; for consistency, Answering Defendants mimic the same numbering as the Complaint.

25. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.

JURISDICTION AND VENUE

26. This is a statement of jurisdiction to which the Federal Rules of Civil Procedure require no response. To the extent a response is required, denied.

27. This is a statement of jurisdiction to which the Federal Rules of Civil Procedure require no response. To the extent a response is required, denied.

FACTS

28. The allegations in this paragraph pertain to a party other than Answering Defendants. To the extent a response is required, denied.

29. The allegations in this paragraph pertain to a party other than Answering Defendants. To the extent a response is required, denied.

30. The allegations in this paragraph pertain to a party other than Answering Defendants. To the extent a response is required, denied.

31. The allegations in this paragraph pertain to a party other than Answering Defendants. To the extent a response is required, denied.

32. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.

33. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.

34. The allegations in this paragraph pertain to a party other than Answering Defendants. To the extent a response is required, denied.
35. The allegations in this paragraph pertain to a party other than Answering Defendants. To the extent a response is required, denied.
36. The allegations in this paragraph pertain to a party other than Answering Defendants. To the extent a response is required, denied.
37. The allegations in this paragraph pertain to a party other than Answering Defendants. To the extent a response is required, denied.
38. The allegations in this paragraph pertain to a party other than Answering Defendants. To the extent a response is required, denied.
39. The allegations in this paragraph pertain to a party other than Answering Defendants. To the extent a response is required, denied.
40. The allegations in this paragraph pertain to a party other than Answering Defendants. To the extent a response is required, denied.
41. The allegations in this paragraph pertain to a party other than Answering Defendants. To the extent a response is required, denied.
42. The allegations in this paragraph pertain to a party other than Answering Defendants. To the extent a response is required, denied.
43. The allegations in this paragraph pertain to a party other than Answering Defendants. To the extent a response is required, denied.
44. The allegations in this paragraph pertain to a party other than Answering Defendants. To the extent a response is required, denied.

45. The allegations in this paragraph pertain to a party other than Answering Defendants. To the extent a response is required, denied.
46. The allegations in this paragraph pertain to a party other than Answering Defendants. To the extent a response is required, denied.
47. The allegations in this paragraph pertain to a party other than Answering Defendants. To the extent a response is required, denied.
48. The allegations in this paragraph pertain to a party other than Answering Defendants. To the extent a response is required, denied.
49. The allegations in this paragraph pertain to a party other than Answering Defendants. To the extent a response is required, denied.
50. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
51. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
52. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
53. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
54. Denied. The allegations in this paragraph pertain to a party other than Answering Defendants. By way of further response, the allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.

55. Denied. The allegations in this paragraph pertain to a party other than Answering Defendants. By way of further response, the allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
56. Denied. The allegations in this paragraph pertain to a party other than Answering Defendants. By way of further response, the allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
57. Denied. The allegations in this paragraph pertain to a party other than Answering Defendants. By way of further response, the allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
58. Denied. The allegations in this paragraph pertain to a party other than Answering Defendants. By way of further response, the allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
59. Denied. The allegations in this paragraph pertain to a party other than Answering Defendants. By way of further response, the allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
60. Denied. The allegations in this paragraph pertain to a party other than Answering Defendants. By way of further response, the allegations contained in this paragraph are

untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.

61. Denied. The allegations in this paragraph pertain to a party other than Answering Defendants. By way of further response, the allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
62. Denied. The allegations in this paragraph pertain to a party other than Answering Defendants. By way of further response, the allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
63. Denied. The allegations in this paragraph pertain to a party other than Answering Defendants. By way of further response, the allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
64. Denied. The allegations in this paragraph pertain to a party other than Answering Defendants. By way of further response, the allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
65. Denied. The allegations in this paragraph pertain to a party other than Answering Defendants. By way of further response, the allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.

66. Denied. The allegations in this paragraph pertain to a party other than Answering Defendants. By way of further response, the allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
67. Denied. The allegations in this paragraph pertain to a party other than Answering Defendants. By way of further response, the allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
68. Denied. The allegations in this paragraph pertain to a party other than Answering Defendants. By way of further response, the allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
69. Denied. The allegations in this paragraph pertain to a party other than Answering Defendants. By way of further response, the allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
70. Denied. The allegations in this paragraph pertain to a party other than Answering Defendants. By way of further response, the allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
71. Denied. The allegations in this paragraph pertain to a party other than Answering Defendants. By way of further response, the allegations contained in this paragraph are

untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.

72. Denied. The allegations in this paragraph pertain to a party other than Answering Defendants. By way of further response, the allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
73. Denied. The allegations in this paragraph pertain to a party other than Answering Defendants. By way of further response, the allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
74. Denied. The allegations in this paragraph pertain to a party other than Answering Defendants. By way of further response, the allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
75. Denied. The allegations in this paragraph pertain to a party other than Answering Defendants. By way of further response, the allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
76. Denied. The allegations in this paragraph pertain to a party other than Answering Defendants. By way of further response, the allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.

77. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
78. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. To the extent a response is required, denied.
79. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
80. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
81. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
82. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
83. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
84. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
85. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
86. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.

87. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
88. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
89. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
90. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
91. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
92. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
93. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
94. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
95. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
96. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
97. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.

98. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
99. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
100. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
101. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
102. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
103. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
104. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
105. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
106. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
107. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
108. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.

109. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
110. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
111. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
112. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
113. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
114. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
115. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
116. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
117. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
118. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
119. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.

120. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
121. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
122. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
123. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
124. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
125. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
126. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
127. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
128. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
129. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
130. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.

131. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
132. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
133. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
134. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
135. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
136. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
137. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
138. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
139. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
140. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
141. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.

142. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
143. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
144. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
145. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
146. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
147. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
148. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
149. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
150. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
151. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
152. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.

153. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
154. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
155. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
156. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
157. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
158. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
159. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
160. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
161. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
162. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
163. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.

164. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
165. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
166. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
167. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
168. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
169. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
170. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
171. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
172. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
173. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
174. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.

175. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
176. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
177. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
178. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
179. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
180. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.

COUNT I: FOURTEENTH AMENDMENT

181. Answering Defendants incorporate all previous paragraphs as if fully stated herein.
182. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
183. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
184. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
185. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.

186. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
187. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
188. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
189. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
190. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
191. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
192. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.

WHEREFORE, answering Defendants deny that they are liable upon all causes of action declared upon and demand judgment in their favor, plus interest and costs.

COUNT II: FOURTEENTH AMENDMENT MUNICIPAL LIABILITY

193. Answering Defendants incorporate all previous paragraphs as if fully stated herein.
194. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
195. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.

196. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
197. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
198. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
199. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
200. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
201. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
202. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.

WHEREFORE, Answering Defendants deny that they are liable upon all causes of action declared upon and demand judgment in their favor, plus interest and costs.

JURY DEMAND

Answering Defendants demand a jury trial in this action.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Plaintiff's Amended Complaint fails to state a claim upon which relief can be granted against Answering Defendants.

SECOND AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, by the applicable statutes of limitations.

THIRD AFFIRMATIVE DEFENSE

Answering Defendants assert that they are entitled to qualified immunity. At all relevant times, Defendants acted in good faith and within the scope of their discretionary authority. Their actions did not violate clearly established statutory or constitutional rights of which a reasonable person would have known.

FOURTH AFFIRMATIVE DEFENSE

At all times relevant to the allegations, Defendants acted in good faith and with a reasonable belief that their conduct was lawful and necessary under the circumstances.

FIFTH AFFIRMATIVE DEFENSE

Answering Defendants deny that any actions or omissions on their part were the proximate cause of the injuries and damages alleged by Plaintiff. Specifically, the alleged actions of Answering Defendants did not directly result in the harm claimed by Mr. Simmons.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff voluntarily and knowingly assumed the risks associated with his conduct, including any altercations with other inmates or correctional officers, and the consequences of his behavior within the correctional facility.

SEVENTH AFFIRMATIVE DEFENSE

Failure to Exhaust Administrative Remedies: Plaintiff's claims may be barred by his failure to exhaust available administrative remedies before filing suit, as required under the Prison Litigation Reform Act (PLRA). Plaintiff did not follow the proper grievance procedures before initiating this lawsuit.

WHEREFORE, Answering Defendants deny that they are liable upon all causes of action declared upon and demand judgment in their favor, plus interest and costs.

Respectfully submitted,

Date: March 25, 2025

BY: /s/ Emily M. Hoff
Emily M. Hoff
Assistant City Solicitor
Attorney I.D. No. 330859
City of Philadelphia Law Department
1515 Arch Street, 14th Floor
Philadelphia, PA 19102
215-683-5362

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSEPH SIMMONS	:	
Plaintiffs,	:	CIVIL ACTION
	:	No. 22-cv-1644-JMG
v.	:	
	:	
CITY OF PHILADELPHIA, et al.	:	
Defendants.	:	JURY TRIAL DEMANDED
	:	

CERTIFICATE OF SERVICE

I, Emily M. Hoff, Assistant City Solicitor, do hereby certify that a true and correct copy of the attached Answer to Plaintiff's Fifth Amended Complaint was filed via the Court's electronic filing system and is available for downloading.

/s/ Emily M. Hoff

Emily M. Hoff
Assistant City Solicitor
Attorney I.D. No. 330859

Date: March 25, 2025